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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

4
Petition

Applicant(s): Werner KNEBEL

Atty Ref: 293.000410

Serial No.: 09/759509

Group Art Unit: 2872

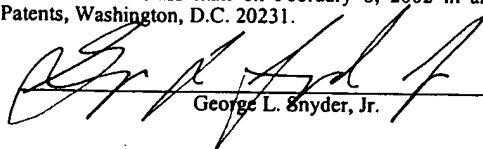
Filing Date: 12-Jan-2001

Examiner: Thong Nguyen

Title: MICROSCOPE ASSEMBLAGE

CERTIFICATION UNDER 37 C.F.R. 1.8

I hereby certify that this REQUEST FOR RESENDING OF OFFICE ACTION is being deposited with the United States Postal Service as first class mail on February 8, 2002 in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.


George L. Snyder, Jr.

REQUEST FOR RESENDING OF OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

Honorable Sir:

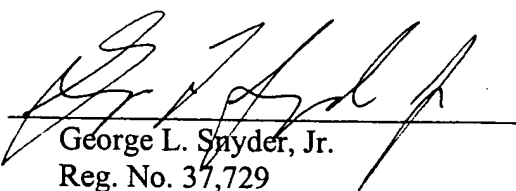
Applicant respectfully requests remailing of the enclosed Office Action to establish a new mailing date a response due date.

The original Office Action was mailed November 30, 2001 but was not received until February 1, 2002. The Office Action carries a one-month response period, which expired before the Office Action was received. Pursuant to a telephone conference between the undersigned attorney and Examiner Nguyen, the original Office Action is enclosed herewith to permit observation of the yellowed condition of the paper, an indication that this piece of mail was probably delayed for anthrax decontamination.

Resending of the Office Action to establish a new period for response is respectfully requested. Please note that the Office Action should be sent to the new correspondence address set forth on the enclosed Change of Correspondence Address form.

Respectfully submitted,

GLS/
Encs.

By 
George L. Snyder, Jr.
Reg. No. 37,729

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
Telephone: (716) 856-4000
Facsimile: (716) 849-0349

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Dated: February 8, 2002

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PTO/SB/122 (10-01)

Approved for use through 10/31/2002. OMB 0651-0035

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CHANGE OF CORRESPONDENCE ADDRESS Application

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

Application Number	09/759,509
Filing Date	January 12, 2001
First Named Inventor	Werner KNEBEL
Art Unit	2872
Examiner Name	Thong Nguyen
Attorney Docket Number	293.000410

#5
C80

Please change the Correspondence Address for the above-identified application to:

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Customer Number

Type Customer Number here

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Individual Name

George L. Snyder, Jr.

Address

Hodgson Russ LLP

Address

One M&T Plaza, Suite 2000

City

Buffalo

State

New York

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14203-2391

Country

United States

Telephone

(716) 856-4000

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(716) 849-0349

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I am the :

☐

Applicant/Inventor.

☐

Assignee of record of the entire interest.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒

Attorney or Agent of record.

☐

Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Type or Printed
Name

George L. Snyder, Jr. - Registration No. 37,729

Signature

Date

February 8, 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐

*Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,509	01/12/2001	Werner Knebel	293.000410	2458

7590 11/30/2001

Simpson, Simpson & Snyder, L.L.P.
5555 Main Street
Williamsville, NY 14221



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SIMPSON, SIMPSON & SNYDER

EXAMINER

NGUYEN, THONG Q

ART UNIT PAPER NUMBER

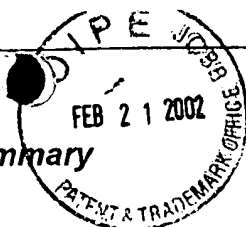
2872

DATE MAILED: 11/30/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
FEB 20 2002
TECHNICAL UNIT

Office Action Summary



Application No.

09/759,509

Applicant(s)

KNEBEL, WERNER

Examiner

Thong Q. Nguyen

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-43 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

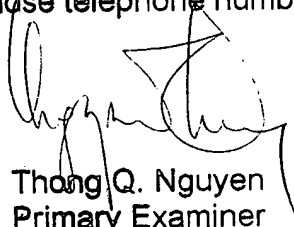
4. A telephone call was made to George L. Snyder on 11/20/2001 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is 703 308 4814. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on 703 308 1687. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7724 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.



Thong Q. Nguyen
Primary Examiner
Art Unit 2872

November 20, 2001



Creation date: 01-13-2004

Indexing Officer: PPHANOHTHACHAT - PHANYAMOL PHANOHTHACHAT

Team: OIPEBackFileIndexing

Dossier: 09759509

Legal Date: 03-28-2002

No.	Doccode	Number of pages
1	C.AD	2

Total number of pages: 2

Remarks:

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